

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DANIEL YOUNG, et al.,

CASE NO. C18-1007JLR

## Plaintiffs,

ORDER GRANTING IN PART  
AND DENYING IN PART  
PLAINTIFFS' SECOND MOTION  
TO REMOTE DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT

PATRICK E. PENA, et al.,

## Defendants.

## I. BACKGROUND AND ANALYSIS

Before the court is Plaintiffs Daniel Young and Richard Young's (collectively, "Plaintiffs") second motion to renote Defendants Patrick Pena, Nicolas Sturlaugson, Travis Hauri, David Johnson, City of Bellingham, and Does 1-200's (collectively, "Defendants") motion for summary judgment. (2d MTR (Dkt. # 28); *see also* MSJ (Dkt. # 11).) In their motion, Plaintiffs request that the court extend their deadline to respond to Defendant's summary judgment motion by 60 days. (2d MTR at 2.) On February 6, 2019, the court granted Plaintiffs' first motion to renote Defendants' summary judgment

1 motion, which provided Plaintiffs an additional 45 days to respond to Defendants' motion. (See Order (Dkt. # 27); 1st MTR (Dkt. # 23).) Plaintiffs filed their first motion  
2 to renote after they were unable to timely respond to Defendants' summary judgment  
3 motion even though Defendants provided Plaintiffs a 30-day extension. (See Resp. (Dkt.  
4 # 25) at 2.)

5 Pursuant to Local Rule 7(j), “[a] motion for relief from a deadline should,  
6 whenever possible, be filed sufficiently in advance of the deadline to allow the court to  
7 rule on the motion prior to the deadline.” Local Rules W.D. Wash. LCR 7(j). In  
8 addition, “[p]arties should not assume that the motion will be granted and must comply  
9 with the existing deadline unless the court orders otherwise.” *Id.*

10 Plaintiffs filed the present motion on March 25, 2019, which was also the date that  
11 Plaintiffs' summary judgment response was due. (See 2d MTR; *see also* Order.)  
12 Plaintiffs, however, did not file a summary judgment response, in violation of Local Rule  
13 7(j)'s instruction to “comply with the existing deadline unless the court orders  
14 otherwise.” Local Rules W.D. Wash. LCR 7(j). Plaintiffs' present motion also violates  
15 Local Rule 7(j) because it was noted for April 5, 2019, thus preventing the court from  
16 ruling on it prior to Plaintiffs' summary judgment response deadline. *Id.*; (*see also* 2d  
17 MTR at 1; Order at 5.)

18 The court does not find “good cause” to extend the summary judgment response  
19 deadline for an additional 60 days. *See* Fed. R. Civ. P. 6(b)(1)(A) (requiring “good  
20 cause” for the court to extend a deadline). Plaintiffs' counsel, Lawrence Hildes, requests  
21 the additional 60 days because of his ongoing heart condition and his wife's cancer

1 treatment. (See 2d MTR at 2-3.) The court does not minimize these conditions, but these  
2 are some of the exact reasons for which the court granted Plaintiffs their prior 45-day  
3 extension. (See *generally* Order.) The court is also cognizant that Plaintiffs initiated this  
4 lawsuit against Defendants and that Plaintiffs have already received nearly three months  
5 of extensions from Defendants and the court in which to file their summary judgment  
6 response. To the extent that Mr. Hildes is unable to perform his work because he is  
7 “completely focused on [his wife’s] appointments, treatment[,] and recovery . . . until  
8 most likely June,” Mr. Hildes should help Plaintiffs find counsel who can represent them.  
9 (See 2d MTR at 3.) Thus, the court DENIES Plaintiffs’ summary judgment response  
10 deadline by 60 days.

11 However, due to Mr. Hildes’s stated conditions, the court finds good cause to  
12 extend Plaintiffs’ summary judgment response deadline to April 15, 2019. The court also  
13 renotes Defendants’ summary judgment motion to April 19, 2019, on which date  
14 Defendants’ summary judgment reply is due. *See* Local Rules W.D. Wash. LCR 7(d)(3).

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

## II. CONCLUSION

For the foregoing reasons, the court GRANTS in part and DENIES in part Plaintiffs' second motion to remote Defendants' summary judgment motion. (Dkt. # 28.) The court DIRECTS the Clerk to remote Defendants' summary judgment motion (Dkt. # 11) to April 19, 2019. Plaintiffs' summary judgment response deadline is April 15, 2019.

Dated this 8th day of April, 2019.



Jim P. Blint

JAMES L. ROBART  
United States District Judge